IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9769/07
Shri Narayan Ashram & Anr. Vs. Dwarka Prasad Singhania

Date of order 4/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri J.P. Goyal for the petitioner.

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The petitioner in this writ petition has challenged the order dated 14.3.2007 whereby the learned executing court has rejected the objection of the petitioner-landlord. The objection was to the effect that the judgment-debtor was depositing a sum of Rs.150/- per month as house rent whereas the amount which he was required to deposit was inclusive of house tax i.e. Rs.153.85. According to the petitioner, the appellate court has determined the amount of Rs.12.85 as the house tax and

not Rs.9/- and therefore the compliance of the decree has not been correctly made.

The learned executing Court by its order has found that the question as to what should be the amount of house rent, could not be determined at the stage of execution of the decree as the executing court could not go beyond the decree and all that it was required to see was whether the judgment of this Court dated 13.1.2005 while allowing certain time to the tenant to vacate the premises was complied with or not. The respondent-judgment debtor having complied the order, further execution or revival of the execution or keeping the execution petition pending was out of question.

Having considered the impugned

order, I do not find that the learned executing court has committed any error of law as may warrant interference by this Court.

The writ petition being vexatious is therefore dismissed.

(MOHAMMAD RAFIQ), J.

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